

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 977 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order
dated 27/01/2004 in WP NO : 16958 OF 1994 on the file of the High
Court.)

Between:

Dr.Bulusu Sitaram, Asst.Professor,Sri Venkateswara Ayurveda
College,
TTD,Tirupathi, Chittoor Dist.

..... APPELLANT

AND

- 1 The Executive officer, Tirumala Tirupathi Devasthanams,
Administrative Building,Tirupathi.
- 2 The Devasthanam Educational officer, Tirumala Tirupathi
Devasthanams, TTD Administrative Builds, Chittoor Dist.
- 3 The Principal,Sri Venkateswara Ayurveda College, TTD., Tirupathi,
Chittoor Dist.
- 4 Dr.A.R.V.Murthy, Asst.Professor,Sri Venkateswara Ayurveda
College,
TTD, Tirupathi, Chittoor Dist.

.....RESPONDENTS

For the Appellant:MR.M.S.RAMCHANDRA RAO

**For the Respondents: MR.A.RAMALINGESWAR RAO,
Standing Counsel for the TTD.**

The Court Made the Following :

ORAL JUDGMENT: (per GB. J.)

The Writ Appeal is filed against the orders passed by the learned single Judge in Writ Petition No.16958 of 1994, dated 27.1.2004.

2. The appellant is the petitioner in the above Writ Petition. He approached this Court by filing a Writ Petition seeking writ of mandamus declaring the action of the respondents 1 and 2 in not permitting the petitioner to work as Assistant Professor in Kayachikitsa Department and directing the 4th respondent to work as Assistant Professor in the Department of Kayachikitsa by proceedings dated 31.5.1994 as arbitrary and illegal.

3. The petitioner was initially appointed as Lecturer in Sri Venkateswara Ayurveda College and subsequently he was also promoted as Assistant Professor in 1993. When respondents No.3 and 4 were promoted as Assistant Professors, the College authorities issued an order to the effect that these two persons will work in Kayachikitsa and Basic Principle Department alternatively. But, however, that order was not followed after two years and the 4th respondent was continued in Kayachikitsa Department while the appellant was continued in Basic Principles Department. Aggrieved by the said action, the appellant filed the above Writ Petition. The learned single Judge, after considering the matter, disposed of the Writ Petition with the following directions:

“The issue is purely academic in nature and who should hold which post and in which Department is within the domain of the academicians. Admittedly, in this case the petitioner obtained post-graduate degree in Dravyaguna and not in Kayachikitsa. As a matter of right he cannot ask that he should be appointed as Assistant Professor in Kayachikitsa Department. However, in view of his past experience in the Kayachikitsa, the petitioner is seeking that he should be accommodated in that Department instead of 4th respondent. Such a request of the petitioner cannot be accepted. However, it was asserted that 4th respondent went on leave and as such the petitioner could have been at least accommodated in the Kayachikitsa Department in that leave vacancy. Though, the petitioner stated that clarification was issued on 6.6.1994 whereas impugned order was passed on 31.5.1994, the same cannot be countenanced, since no material is placed before this Court to substantiate the same.

Now, on instructions, the learned counsel for the respondents 1 to 3 Sri A.Ramalingeswara Rao, Standing Counsel for Tirumala Tirupati Devasthanam submits that there are no vacancies available in Kayachikitsa Department and already one Dr. P.Muralikrishna and Dr. A.R.Murthy were posted in the two vacancies available in Kayachikitsa Department.

But from the letter dated 7.1.2004 of 1st respondent it is clear that Dr.A.R.Murthy is on leave for three years. In view of this, learned counsel for the petitioner submits that at least in that vacancy the petitioner's case may be considered.

In the above circumstances, respondents 1 to 3 may consider the case of the petitioner, for being posted as Assistant Professor in Kayachikitsa Department and pass appropriate orders within a period of three months from the date of receipt of this order”.

Against the said order of the learned single Judge, the present Writ

Appeal has been filed.

4. Mr.M.S.Ramachandra Rao, learned counsel for the appellant submits that the order of the learned single Judge is wholly illegal and misconceived. He further submits that consequent on the directions issued by the authorities, the College authorities have not considered the matter and again rejected his case on the ground that one Dr. Shankar Babu, who is Professor in Kayachikitsa Department has been placed as additional in-charge and therefore the order of the authorities is liable to be set aside. He would also submit that the authorities have been adopting discriminatory attitude inasmuch as when the appellant's turn came up for shifting from Basic Principle Department to Kayachikitsa Department, they did not do so. On the other hand they illegally continued 4th respondent as Assistant Professor. He also submits that as on the date the 4th respondent is not in Ayurvedic Department and he is on deputation to another Ayurvedic College in Goa for a period of three years and that his tenure will expire only in 2006 and at least even during the period of absence of 4th respondent, the appellant could have been accommodated, and thus the order of the authorities is illegal and contrary to law.

5. We have perused the order of the learned single Judge thoroughly and we find that the learned single Judge has considered this aspect and held that it is only an administrative requirement complied with the academic nature of duties and therefore refused to interfere with the order passed by the authorities. It is well known that in matters relating to administration in the academic institutions and academic programmes, this Court will be loath to interfere under Article 226 of the Constitution of India save in exceptional cases. Even though in the instant case rotation was not

meticulously followed, yet the post has not been filled up by any other candidate and it is only an additional charge was made and the additional duties were entrusted to Dr.Shankar Babu. Under those circumstances, we are not inclined to interfere with the order of the learned single Judge. We find no merits in the Writ Appeal.

6. In the result, the Writ Appeal is dismissed. No costs.

(G.BIKSHAPATHY, J.)

28th June, 2004.

(B.SESHASAYANA REDDY,

J.)
SSR

Copies to:

1. The Hon'ble Sri Justice G.Bikshapathy (for His Lordship's kind perusal).
2. The Executive officer, Tirumala Tirupathi Devasthanams, Administrative Building, Tirupathi.
3. The Devasthanam Educational officer, Tirumala Tirupathi Devasthanams, TTD Administrative Builds, Tirupati, Chittoor Dist.
4. The Principal, Sri Venkateswara Ayurveda College, TTD., Tirupathi, Chittoor Dist.
5. 2 CD Copies.